

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE GENETICALLY MODIFIED)	4:06 MD 1811 CDP
RICE LITIGATION)	ALL CASES

**ORDER REGARDING PRETRIAL
SUBMISSIONS FOR BELLWETHER TRIALS**

By separate orders, the Court has set several bellwether trials. This order provides the format and dates for filing pretrial submissions for each bellwether trial, including *Riviana Foods, Inc. v. Bayer CropScience AG, et al.*, Case No. 4:08CV375 CDP.

IT IS HEREBY ORDERED that the dates for filing pretrial submissions are as follows:

For the *first bellwether trial* (scheduled to begin **November 2, 2009**), the initial pretrial submissions are due **October 15, 2009** and the second part of the submissions (objections, supplements, and motions in limine) are due **October 22, 2009**, and a final pretrial conference will be held in Courtroom 14 South on **October 29, 2009 at 10:00 a.m.**

For the *second bellwether trial* (scheduled to begin shortly after completion of the first trial, with the actual date to be determined later), the initial pretrial submissions are due **November 12, 2009** and the second part of the submissions

(objections, supplements, and motions in limine) are due **November 19, 2009**; the date for the final pretrial conference will be set when the trial date is set.

For the *third bellwether trial* (scheduled to begin **January 11, 2010**), the initial pretrial submissions are due **December 21, 2009** and the second part of the submissions (objections, supplements, and motions in limine) are due **December 31, 2009**, and a final pretrial conference will be held in Courtroom 14 South on **January 7, 2010 at 10:00 a.m.**

For *Riviana* (trial scheduled to begin **April 19, 2010**), the initial pretrial submissions are due **April 1, 2010** and the second part of the submissions (objections, supplements, and motions in limine) are due **April 8, 2010**, and a final pretrial conference will be held in Courtroom 14 South on **April 15, 2010 at 10:00 a.m.**

IT IS FURTHER ORDERED that for each trial, by the date listed above for the initial pretrial submissions, counsel shall:

1. **Stipulation:** Meet and jointly prepare and file a JOINT Stipulation of all uncontested facts, which may be read into evidence subject to any objections of any party set forth in said stipulation (including a brief summary of the case which may be used on Voir Dire).
2. **Witnesses:**
 - (a) File a list of all proposed witnesses, identifying those witnesses who will be called to testify and those who may be called.

- (b) Except for good cause shown, no party will be permitted to call any witnesses not listed in compliance with this Order.

3. Exhibits:

- (a) Mark for identification all exhibits to be offered in evidence at the trial (Plaintiffs to use Arabic numerals and defendants to use letters, unless a different exhibit numbering convention is agreed to by the parties), and file a list of such exhibits, identifying those that will be introduced into evidence and those that may be introduced. The list shall clearly indicate for each business record whether the proponent seeks to authenticate the business record by affidavit or declaration pursuant to Fed.R.Evid. 902(11) or 902(12).
- (b) Provide the exhibits, along with any affidavits or declarations pursuant to Fed.R.Evid. 902(11) or 902(12), to opposing counsel for examination (the parties are expected to agree on the appropriate manner of doing this).
- (c) By the date specified above for the *second part* of the submissions, file written objections regarding any exhibits. Before the final pretrial conference, the parties shall file a joint list indicating the exhibits that may be introduced without objection or preliminary identification.
- (d) Except for good cause shown, no party will be permitted to offer any exhibits not identified or not submitted by said party for examination by opposing counsel in compliance with this Order.


4. Depositions, Interrogatory Answers, and Request for Admissions:

- (a) File a list of all interrogatory answers or parts thereof and depositions or parts thereof (identified by page and line numbers), and answers to requests for admissions proposed to be offered in evidence. By the date specified above for the

second part of the submissions, file written objections to such testimony and identify any additional portions of such depositions not listed by the offering party which opposing counsel proposes to offer.

- (b) Except for good cause shown, no party will be permitted to offer any interrogatory answer, or deposition or part thereof, or answer to a request for admissions not listed in compliance with this Order.

5. **Instructions:** File proposed jury instructions and forms of verdicts. By the date specified above for the *second part* of the submissions, submit requests for additional or modified instructions in light of opposing party's requests for instructions. (Each request must be supported by at least one pertinent citation.)
6. **Trial Brief:** File a trial brief stating the legal and factual issues and authorities relied on and discussing any anticipated substantive or procedural problems.
7. **Motions In Limine:** By the date specified above for the *second part* of the submissions, file all motions in limine to exclude evidence.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of May, 2009.